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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,029	08/30/2001	George Troubounis	10925-003-99	6304

7590

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EXAMINER

LITHGOW, THOMAS M

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/889,029

Applicant(s)

TROUBOUNIS ET AL.

Examiner

Thomas M. Lithgow

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 26-56 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-29, 35, 40-46, 51-54 and 56 is/are rejected.
- 7) ☒ Claim(s) 30-34, 36-39, 47-50 and 55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: *THM. Lithgow*

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 45 and 53 recites the limitation "said wire gauze" and "the lateral surface" respectfully. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 26-29, 51, 52 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels (US 3472383). Daniels includes a sloped channel 8 with screw conveyor 9 in a filter tank 7 with drum filter 1. The screw terminates in a closed lower end of the tank while the rotary drum

Art Unit: 1724

filter is in the open upper end of the tank. The material inlet 5 is between the open upper end and the closed lower end.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 26-29, 51, 52 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 05-084407A in view of Daniels (US 3472383). JP '407 discloses all the aspects of the claims except that instead of a screw conveyor as recited in the claims, JP '407 discloses a drag (or rake) conveyor. Daniels discloses two embodiments of his filter-settler. The first embodiment is fig. 1 which employs a screw conveyor and the second equivalent embodiment is fig. 2 which employs a drag (or rake) conveyor. Daniels establishes the equivalent nature of the two types of conveyors in the same filter-settler environment. Therefore the substitution of the screw of Daniels for the drag conveyor of JP'407 would have been obvious to one of ordinary skill in the art.

7. Claims 26-29, 35, 51-52, 54 and 56 are rejected under 35

U.S.C. 103(a) as being unpatentable over JP 05-305282A and further in view of Daniels (US 3472383). JP '282 is similar to JP'407 above except that the feed inlet area is baffled by elements 36 which clearly "inhibit fluid flow from the separation materials intake directly to the rotary filter" as recited in claims 35 and 56. Daniels is employed in the same manner as in the rejection above.

8. Claims 40-42 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 26 above, and further in view of Kelsey (US 2699872). The use of a disk filter or a drum filter in a tank filter environment is shown by Kelsey to be functionally equivalent (Fig. 1-3 disk filter and Fig. 4 as a drum filter). In regard to the Daniels patent it is further noted that Daniels specifically recites that various types of filters besides a rotary filter is also applicable in his invention. One of ordinary skill recognizing the equivalent nature of the filters as taught by Kelsey would be sufficiently motivated to substitute the disk filter for the drum filter. This rejection includes be based on the Japanese patents as applied to claim 26 also.

9. Claims 43-45 rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 40 above, and further in view of Salisbury (US 1283925). The use of mesh or screen like construction of a disk filter is taught by Salisbury – fig. 6. To so modify the prior art disk filter applied against cl. 40 would have been obvious in view of the utility of such a construction as taught by Salisbury.

10. Claims 30-34, 36-39, 47-50 and 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 703-308-0173. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 703-308-1972. The fax phone numbers for the organization where this application or

proceeding is assigned are 703-305-3602 for regular communications and 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Thomas M. Lithgow  
Primary Examiner  
Art Unit 1724

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March 26, 2003